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1991

# Malcolm v. Utah : Unknown

Utah Supreme Court

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Hans M. Scheffler; Thomas A. Duffin; Jensen, Duffin, Carman, Dibb & Jackson; Attorneys for Appellee.

R. Paul Van Dam; Attorney General; Debra J. Moore; Assistant Attorney General; Attorneys for Appellant.

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**BRIEF**

OFFICE OF THE ATTORNEY GENERAL



JAN GRAHAM  
ATTORNEY GENERAL

**FILED**

DEC 14 1993

CLERK SUPREME COURT  
UTAH

JOHN F. CLARK  
Counsel to the Attorney General

CAROL CLAWSON  
Solicitor General

REED RICHARDS  
Chief Deputy Attorney General

PALMER DEPAULIS  
Director of Public Policy & Communications

December 14, 1993

Hand Delivered

Geoffrey J. Butler  
Clerk of the Court  
Utah Supreme Court  
332 State Capitol  
Salt Lake City, UT 84114

Re: Malcolm v. State, No. 910300

Dear Mr. Butler:

I am writing pursuant to Rule 24(j) of the Utah Rules of Appellate Procedure to advise the Court of some Utah Supreme Court cases that were decided after the briefs in the above referenced matter were filed with the Court. This matter is scheduled for oral argument on January 11, 1994.

Point I A of the State's brief (p. 15) argues that the State had no reason to believe that Carson was likely to harm Malcolm, either specifically or as a member of a distinct group, and thus owed no duty to protect her. The following cases are relevant to that argument:

Hunsaker v. State, No. 910366 (Utah, Nov. 30, 1993)  
Higgins v. Salt Lake County, 855 P.2d 231 (Utah 1993)

Point II of the State's brief (p. 26) argues that the State is immune from Malcolm's negligence claims. The following cases are relevant to that argument:

Higgins v. Salt Lake County, 855 P.2d 231 (Utah 1993)  
Ledfors v. Emery County School Dist., 849 P.2d 1162 (Utah 1993)

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carol', followed by a horizontal line.

CAROL CLAWSON  
Solicitor General

cc: Hans M. Scheffler  
Thomas A. Duffin  
Jensen, Duffin, Carman, Dibb & Jackson  
311 South State St., Suite 380  
Salt Lake City, Utah 84111